

April 30, 2010

United States Nuclear Regulatory Commission (NRC)  
Region I  
475 Allende Road  
King of Prussia, Pennsylvania 19406-1415

John D. Kinneman, Director  
Division of Nuclear Materials Safety

52-19225-02

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2010 MAY 10 PM 12:38

Re: Response to Apparent Violations in  
Inspection Report No.  
03030301/2010001, EA-10-060

Mr. Kinneman,

The present letter is in response to the apparent violations as per your report dated April 09, 2010, pertaining to the inspection conducted on March 04, 2010. This NRC report was received at our office on April 16, 2010.

The first apparent violation corresponds to the failure to (1) maintain surveillance of licensed material that was in an unrestricted area; and (2) use a minimum of two(2) independent physical controls that form a tangible barrier to secure a portable gauge from unauthorized removal whenever the portable gauge was not under the licensee's control and constant surveillance. We believe that a violation is an intentional act to not comply with an established requirement. The incident reported correspond to the act of negligence by the authorized personnel (AU) in a short lapse of time. As per the documents submitted to your inspector Sattar Lodhi, the AU was making a soil compaction test with the gauge. So the gauge was on the direct surveillance by the AU and the two(2) independent physical controls was not placed due the same reason. All our trained personnel



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knows the standard procedure to return the gauges to the transportation box after finishing the test and secure it. In this case, the curiosity of the AU was the reason that provokes the incident.

This incident occurred at the site of an ongoing construction of a private residential project. The work area was not open for public access but the project site was fenced all around, and personnel at the work area was that dully authorized to enter the premises to perform their job duties. To say the incident occurred "in an unrestricted area" not fairly described the circumstances surrounding the incident nor the site.

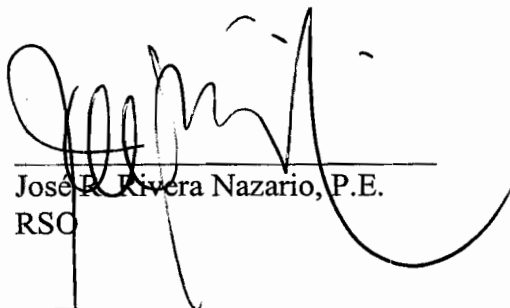
Considering the immediate and long run corrective actions taken by this office as stated by your inspector report, and the situational circumstances surrounding the incident, it is our belief this office should not be subjected to any kind of penalty.

For the second apparent violation corresponding to have a Troxler machine in our storage room, we accept to keep it since the radioactive materials are in the same form and approximate quantity of the ones of our gauges. We were moved to allow for the Troxler gauge at our facilities because it was our conviction our place offers a safer environment for the storage of the gauge than the temporary job site where PSI was authorized to keep the same. We though it was our duty to provide a healthy environment to the general public by allowing this practice.

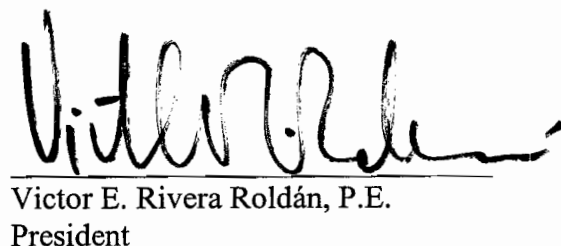
As also reported by your inspector, prompt corrective measures for this apparent violation were followed and implemented.

Hoping this inspection findings and your enforcement decisions help us in maintain a good and responsible service using nuclear gauges.

Respectfully submitted,



José R. Rivera Nazario, P.E.  
RSO



Victor E. Rivera Roldán, P.E.  
President



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